Claims 1-59 are pending in this application. Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the RCE submitted herewith and in view of the amendments, and the discussion that follows. Claims 15-19 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1, 3-11, 14, 15, 17-21, 23-50, 52, and 54-59 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,707,821 to Shaffer et al. ("Shaffer") in view of U.S. Patent No. 6,741,586 to Schuster et al. ("Schuster")and further in view of U.S. Pat. No. 6,757,239 to Kejriwal et al. ("Kejriwal"). Claims 2, 16, 22 and 51 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shaffer in view of Schuster in view of Kejriwal and further in view of U.S. Pat. No. 6,904,037 to Oran et al. ("Oran"). Claim 12 has been rejected under 35 U.S.C. §103(a) as unpatentable over Shaffer, Schuster and Kejriwal further in view of Sampson (U.S. Pat. No. 6,081,720). Claims 13 and 53 have been rejected under 35 U.S.C. §103(a) as unpatentable over Shaffer, Schuster, and Kejriwal and further in view of Tran (U.S. Pat. No. 5,453,987). Claims 1, 4, 15, 58 and 59 have been amended. After a careful review of the specification and claims (as amended), it is believed that the claims are allowable and, therefore, Notice of Allowance is respectfully requested.

Claims 15-19 have been rejected under 35 U.S.C. §112 as indefinite because the phrase "non-network data processing device coupled directly to the voice over packet telephone and not the network" is unclear and "non-network

data processing device" is not in the specification. This has been clarified by amending claim 15 to delete the terms "non-network" from the data processing device and clarifying that the data processing device is not otherwise connected to the network (see e.g., p. 4, first paragraph and Fig. 2). Thus, claims 15-19 are now believed to comply with 35 U.S.C. §112.

Claims 1, 3-11, 14, 15, 17-21 23-50, 52, and 54-59 have been rejected as being obvious over Shaffer in view of Schuster and Kejriwal. Independent claims 1, 15, 20, 31, 36, 44, 56, 57, 58 and 59 call for user selected, second and third predetermined data packet priority associated with a respective first and second data processing device. The Office Action asserts that Kejriwal teaches assigning a second user selected packet priority to packets from a first data processing device and a third user selected predetermined priority to data packets from a second data processing device. However, Kejriwal describes a packet pipeline in which packets are prioritized to determine delay within the network based on traffic types wherein a single user may have both voice and data traffic (Col. 3, lines 5-28). Kejriwal does not describe user selection of multiple different priority levels for data packets based upon device, rather Kejriwal priorities are assigned to packets based on data vs. voice traffic, or other packet type criteria (e.g., control packets or non-conforming packets, Col. 29, lines 35-59). Thus, Kejriwal does not teach the claimed second priority level for a data packet to or from a first device and a third priority level for data packets to or from second data processing device. The cited sections of Cols. 2, 3, 4, 8, 12, and 28 merely describe the traffic type priority but do not describe the

claimed multiple device based data packet priorities each associated with a particular data processing device. Since neither Shaffer, Schuster, Kejriwal, Sampson or Oran teach or suggest the above feature, the combination fails to teach each and every claim limitation and therefore all the claims are believed to be distinguishable over the cited references.
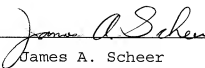
In addition, claims 15 and 58 have been further amended to recite a higher first priority on packets to and from the network telephone. Again, the references do not teach assigning priority to packets based on the device sending or receiving the packet. Similarly, claim 20 claims assigning a higher priority to data packets destined for the phone and claim 59 has been amended to claim a higher priority to data packets based on being to or from the first device (see e.g., p. 5, last paragraph). Since the combination of the reference fails to teach each and every claim limitation, the independent claims 1, 15, 20, 31, 36, 44, 56, 57, 58 and 59 are distinguishable over the cited references and are therefore believed to be allowable. All the remaining claims are dependent upon the allowable independent claims and are therefore also believed to be allowable.

With regard to claims 4 and 52, the Office Action has indicated that the dividing of data packets into random, non uniform size smaller packets is shown by Fig. 4 of Shaffer. However, Fig. 4 merely shows segmenting two data packets (DP1 & DP2 of Fig. 3) into eight smaller packets (Col. 2, lines 64-66) with a repeating pattern of 3 larger parts and one smaller part. There is no mention of randomness in Shaffer. The illustration of a single repeating pattern does not disclose the claimed randomly

dividing data packets to obtain random, non-uniform size packets. The repeating pattern is patterned not random. Thus, Shaffer does not teach random segmenting of the packets determined to need dividing, only a repeating predetermined pattern.

Allowance of claims 1-59, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

WELSH & KATZ, LTD.

By: James A. Scheer
Registration No. 29,434

Dated: April 9, 2008

120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500